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 6 PRAVEEN CHAKRAVARTY
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 10 UNITED STATES DISTRICT COURT
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 12 NORTHERN DISTRICT OF CALIFORNIA
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 14 SAN FRANCISCO DIVISION

15 THOMAS WEISEL PARTNERS LLC, a
 16 Delaware limited liability company, and
 17 THOMAS WEISEL INTERNATIONAL
 18 PRIVATE LIMITED, an Indian company,

19 Plaintiffs,
 20 vs.

21 BNP PARIBAS, a French corporation, BNP
 22 PARIBAS SECURITIES (ASIA) LIMITED, a
 23 Hong Kong company, and PRAVEEN
 24 CHAKRAVARTY, an individual,

25 Defendants.

26) Case No.: C 07-06198 MHP
 27)
 28) STIPULATION BETWEEN PLAINTIFFS
 29) AND DEFENDANT PRAVEEN
 30) CHAKRAVARTY AND [PROPOSED]
 31) ORDER RE SERVICE OF PROCESS,
 32) FILING OF MOTIONS, JURISDICTIONAL
 33) DISCOVERY, AND CASE MANAGEMENT
 34) CONFERENCE

35 WHEREAS, plaintiffs THOMAS WEISEL PARTNERS LLC and THOMAS WEISEL
 36 INTERNATIONAL PRIVATE LIMITED (collectively "TWP") filed this action on December 6,
 37 2007;

38 WHEREAS, plaintiffs filed a First Amended Complaint on January 15, 2008;

39 WHEREAS, defendant PRAVEEN CHAKRAVARTY was served with the First Amended
 40 Complaint and Summons on March 5, 2008;

1 WHEREAS, defendant CHAKRAVARTY intends to file a motion to dismiss the First
 2 Amended Complaint, in part on the basis of lack of personal jurisdiction and forum non conveniens;

3 WHEREAS, defendant CHAKRAVARTY is willing to forego any challenge to the
 4 sufficiency of service of process, in exchange for the extension of time provided for in this
 5 Stipulation; and

6 WHEREAS, the parties to this Stipulation agree that the Court should hear and resolve the
 7 above-mentioned dismissal arguments before considering challenges to the sufficiency of the claims
 8 alleged in the First Amended Complaint;

9 NOW, THEREFORE, TWP and CHAKRAVARTY (collectively the “Parties”), through their
 10 undersigned counsel, HEREBY STIPULATE AND AGREE as follows:

11 1. CHAKRAVARTY, through his authorized counsel, accepts service of the Summons,
 12 Complaint, First Amended Complaint, and any and all related papers required to be served with the
 13 Complaint and First Amended Complaint, and waives any objection to the sufficiency either of the
 14 process served upon him or the service of process. *See Fed. R. Civ. Proc. 12(b)(4) and 12(b)(5).*

15 2. CHAKRAVARTY shall have a thirty (30) day extension of time in which to file his
 16 motion to dismiss for lack of personal jurisdiction and forum non conveniens (the “Jurisdiction
 17 Motion”). As such, CHAKRAVARTY’s Jurisdiction Motion will be filed on or before April 24,
 18 2008.

19 3. CHAKRAVARTY will file and serve any motion challenging the sufficiency of the
 20 claims alleged in the First Amended Complaint no later than 21 days after the Court issues an order
 21 on the Jurisdiction Motion. TWP’s Opposition will be due 23 days thereafter, and any Reply will be
 22 due 15 days after the Opposition is filed. The motion will be heard as soon thereafter as the Court’s
 23 schedule permits or at another date mutually agreed upon by the Parties and acceptable to the Court.

24 4. Discovery directed to the merits of the issues in the First Amended Complaint will be deferred
 25 until the Court decides the Jurisdiction Motion.

26 5. The Parties may undertake written discovery limited to issues raised by
 27 CHAKRAVARTY’s Jurisdiction Motion (“Jurisdictional Discovery”). Absent Court order or
 28

1 agreement by the Parties, the Parties' initial Jurisdictional Discovery shall be limited to requests for
 2 documents and interrogatories (the "Initial Jurisdictional Discovery"), which shall be served after
 3 April 24, 2008 and no later than April 30, 2008. TWP reserves its right to seek to depose
 4 CHAKRAVARTY, and CHAKRAVARTY reserves his right to object to any attempt to seek his
 5 deposition. The Parties will discuss this issue within the period of Jurisdictional Discovery and seek
 6 to reach an agreement that renders it unnecessary to raise this issue with the Court. The Parties may
 7 not undertake additional Jurisdictional Discovery without mutual consent and/or leave of Court.

8 6. The Parties retain the right to object to any particular Jurisdictional Discovery request.
 9 The Parties shall meet and confer promptly and in good faith to resolve issues and objections that
 10 arise concerning Jurisdictional Discovery, and reserve their rights to litigate unresolved issues and
 11 objections. The Parties agree that any motions related to issues and objections arising during
 12 Jurisdictional Discovery may be heard on mutually agreeable shortened time.

13 7. After the Parties have resolved any discovery disputes and completed Jurisdictional
 14 Discovery, they will meet and confer to discuss a schedule for the balance of the briefing, and
 15 propose to the Court a mutually acceptable briefing schedule and hearing date for the Jurisdiction
 16 Motion. CHAKRAVARTY's Jurisdiction Motion shall be heard on the same day as the hearing on
 17 the Jurisdiction Motion filed by defendants BNP Paribas and BNP Paribas Securities (Asia) Limited.
 18 In all events, absent the Parties' mutual consent or leave of Court, the hearing on the Jurisdiction
 19 Motion will occur no later than July 28, 2008.

20 8. The Parties will not be required to serve Initial Disclosures until after the Court
 21 decides the Jurisdiction Motion, and will meet and confer at that time regarding an agreeable
 22 disclosure deadline.

23 9. The Case Management Conference will be continued to a date following a ruling by
 24 the Court on CHAKRAVARTY's Jurisdiction Motion.

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1 10. The Parties agree that during the pendency of this action, they will comply with all
2 applicable rules regarding the preservation of evidence relating to this matter.
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4 IT IS SO STIPULATED AND AGREED:
5

6 Dated: April 3, 2008

HOWARD RICE NEMEROVSKI CANADY
FALK & RABKIN
A Professional Corporation

8 By:

9 Mark G. Sheft
10 MARK SHEFT

11 Attorneys for Plaintiffs
12 THOMAS WEISEL PARTNERS LLC and
 THOMAS WEISEL INTERNATIONAL
 PRIVATE LIMITED

13 Dated: April 3, 2008

COOK | ROOS | WILBUR | THOMPSON LLP

15 By:

16 T. Thompson
17 TRACY THOMPSON

18 Attorneys for Defendant
 PRAVEEN CHAKRAVARTY

19 Dated: 4/7/08

20 IT IS SO
21 ORDERED per this
22 Stipulation



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3 **ORDER**
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7 PURSUANT TO STIPULATION, IT IS SO ORDERED.
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10 Dated: April ___, 2008
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Judge Marilyn Hall Patel
United States District Judge